

EXHIBIT 23

WORKFORCE INVESTMENT NOTICE: 00-12

SUBJECT: Appeal Process for Future Denial of Designation as a Workforce Investment Area

DATE: October 17, 2000

PURPOSE: To communicate the process for the appeal of a denial of designation to a geographic area entitled to designation under WIA.

BACKGROUND: WIA at section 116 provides the criteria for state designation of local areas. There are three types of designation. They are: automatic, temporary and discretionary. States are required to consult with their State Boards and chief local elected officials as well as to accept comments from the public prior to the designation of areas.

AUTOMATIC DESIGNATION: There are three circumstances under which a local area is entitled to automatic designation they are: (1) single local units of government with a population of at least 500,000, (2) rural concentrated employment programs under the JTPA, and (3) areas that served as a service delivery area under the JTPA in a State that has a population of not more than 1,100,000 and a population density greater than 900 persons per square mile.

The request for designation must come from the chief local elected official or grant recipient for the area.

Criteria (3) is the only criteria applicable in the State of Rhode Island and is only applicable to the Providence/ Cranston Workforce Investment Area, as the Greater Rhode Island Workforce Investment Area is differently comprised than it was under the JTPA and therefore does not meet the criteria as set forth in WIA.

TEMPORARY DESIGNATION: WIA at section 116 also provides for the initial temporary designation of areas. As areas have already been designated in the State of Rhode Island and there have been no requests for appeal, there is no need to address temporary designation under this Appeal Process.

DISCRETIONARY DESIGNATION: For areas not entitled to temporary or permanent designation the State after considering issues such as **(1)** Geographic areas served by local educational agencies and intermediate educational agencies **(2)** Geographic areas served by postsecondary educational institutions and area vocational education schools. **(3)** The extent to which such local areas are consistent with labor market areas **(4)** the distance that individuals will need

to travel to receive services provided in such local areas, and **(5)** the resources of such local areas that are available to effectively administer WIA activities and after consultation with and a recommendation from the State Board, the chief local elected officials and a period of public comment areas may be designated by the Governor in accordance with his/her discretion.

SUBSEQUENT DESIGNATION: Areas which have been accorded temporary designation under this paragraph shall be designated for 2 years, after which the Governor shall extend the designation until the end of the period covered by the State plan if the area substantially met (as defined by the State Board) the local performance measures for the local area and sustained the fiscal integrity of the funds used by the area to carry out activities under this subtitle.

APPEALS PROCESS: Areas, which have received discretionary designation, are subject to re-designation following the expiration of their term of designation. Discretionary areas denied a request for re-designation have no recourse and are not entitled to an appeal of the determination. Areas designated as temporary workforce investment areas, which are determined not to have met the subsequent designation criteria, may appeal this determination by:

1. Filing an appeal in writing with the State Department of Labor and Training and addressed to Robert Palumbo, Governor's Liaison, within 10 days of receipt of written notice that their request for designation has been denied.
2. The request for appeal must state with specificity the basis under which the State's determination that the area has not met the requirements for re-designation are challenged.
3. Within ten days of receipt of a properly noticed and drafted request for appeal the State shall appoint an impartial trier of fact to hear the matter.
4. A hearing shall be held no later than 45 days following the receipt of the Notice of Appeal by the State.
5. A determination shall be made by the hearing officer within 15 days of the close of the hearing and shall be communicated in writing to the parties.
6. There shall be no further State level right to appeal from the determination of the hearing officer.
7. Local areas may choose to appeal to the Secretary of Labor in accordance with the procedures provided for under WIA at section 116.